

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNY M. BROWN,
Petitioner,

v.

DAVID BAUGHMAN,
Respondent.

Case No. [17-cv-01409-JCS](#) (PR)

**ORDER REOPENING ACTION;
ORDER DISMISSING PETITION
WITH LEAVE TO AMEND**

This federal habeas corpus action was dismissed because petitioner had not perfected his application to proceed *in forma pauperis* or paid the filing fee. Petitioner since has paid the filing fee. (Dkt. No. 15.) Accordingly, this action is REOPENED. The Clerk shall modify the docket accordingly. The judgment (Dkt. No. 11) and the order of dismissal (Dkt. No. 10) are VACATED.

Petitioner also filed an amended petition. (Dkt. No. 12.) This pleading asks the Court to add language to his prior petition, but does not include his prior claims. Because petitioner must present all his claims in one petition, the amended petition is DISMISSED with leave to file an amended petition on or before **July 3, 2017**.

The amended petition must be on this Court's habeas form and must include the caption and civil case number used in this order (17-01409 JCS (PR)) and the words **SECOND AMENDED PETITION** on the first page. Because an amended petition

1 completely replaces the previous petition, petitioner must include in his amended petition
2 all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.
3 1992). He may not incorporate material from the prior petition by reference. Failure to
4 file an amended petition in accordance with this order will result in dismissal of this action
5 without further notice to petitioner.

6 **IT IS SO ORDERED.**

7 **Dated:** May 22, 2017

8 
9 JOSEPH C. SPERO
Chief Magistrate Judge